

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL REVISION APPLICATION NO. 27 OF 2003.

Bharatlal Halwai,
r/o Housing Board Colony,
Baina, Vasco-da-Gama.

... Applicant.

Versus

State of Goa through
Public Prosecutor.

... Respondent.

Mr. A.F. Diniz, Advocate for the Applicant.

Mrs. W. Coutinho, Additional Public Prosecutor for the
Respondent/State.

Coram : P.V. HARDAS, J.

Date : 31st July 2003.

ORAL JUDGMENT.

With the consent of the parties this revision application is taken up for final hearing.

2. Mr. Diniz for the applicant/accused is present in Court. The original complainant Mrs. Venus Habib is also present in Court.

3. This Criminal Revision Application has been filed challenging the Judgment of the learned Judicial Magistrate, First Class, Vasco-da-Gama, dated 25th September 2001, in Criminal Case No. 190/S/1993/A, convicting the applicant/accused for offences punishable under Sections 341, 504, 354 and 323 of the Indian Penal Code and sentencing him to pay fine of Rs. 500/- or in default to undergo 5 days simple imprisonment, fine of

Rs. 1,000/- or in default to undergo 10 days simple imprisonment, fine of Rs. 1,000/- or in default to undergo 10 days simple imprisonment and fine of Rs. 300/- or in default to undergo 3 days simple imprisonment respectively. It appears from the Judgment of the learned trial Court that the particulars of the offence were explained under Section 509 of the Indian Penal Code and not under Section 504 of the Indian Penal Code. The operative part of the Judgment also reads that the applicant/accused is convicted under Sections 341, 509, 354 and 323 of the Indian Penal Code. However, it appears that inadvertently the learned trial Court, while sentencing the accused, has sentenced him as aforesaid for an offence under Section 504 of the Indian Penal Code. The accused being aggrieved by his conviction and sentence had filed Criminal Appeal No. 37 of 2001, before the Sessions Court, Margao, which came to be dismissed by the Judgment of the IIIrd Assistant Sessions Judge, Margao, dated 4th March 2003. In the aforesaid Judgment of the learned lower appellate Court also the conviction and sentence of the applicant/accused is referred to as under Sections 341, 509, 354 and 323 of the Indian Penal Code.

4. Be that as it may, today an application is presented in the Court, which is signed by the applicant/accused as well as the original complainant.

This is an application seeking to compound offences punishable under Sections 323 and 341 and seeks permission for compounding the offences under Sections 354 and 509 of the Indian Penal Code. The original complainant, who is present in Court, is identified by the learned counsel for the applicant/accused. She has admitted her signature on the application, which is marked 'X' and taken on record. She has also admitted the contents of the application. In view of this, according to me, the interest of justice will require to permit the compounding of the offences under Sections 354 and 509 and record the compounding of the offences under Sections 323 and 341 of the Indian Penal Code.

5. In view of the fact that the applicant/accused and the original complainant have compounded the offences, this Criminal Revision Application is, therefore, allowed. The conviction and sentence imposed on the applicant/accused by the two Courts below is, hereby, quashed and set aside and the applicant is acquitted of the aforesaid offences.

(P.V. HARDAS)
JUDGE.

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